

Remarks

The present Response is to the Office Action mailed 1/22/2009, made final. Claims 41-67 are presented for examination.

Response to Arguments

3. Applicant's arguments, filed 10 November 2008, with respect to the rejection(s) of claim(s) 41-67 have been fully considered but are not persuasive.
4. Applicant's argument that the prior fails to teach "a second mechanism for determining whether the request comes directly from the customer, or through a second Web server at a second enterprise." However, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Claim 41 contains multiple intended use limitations. "A first mechanism 'for' receiving a request for information or services," "a second mechanism 'for' determining whether the request comes directly from the customer..." "a third mechanism 'for' responding with information", "Application should consider amending the claim to actively recite the components of the system to create a structural difference between the present application and other systems with three mechanisms.
5. Examiner also notes that Applicant's remarks emphasize distinctions between the claims and Applicant's specification. For example, the claims recite that the second enterprise is one of a financial enterprise, a travel enterprise, or a security service enterprise. However, the specification states that the "first" enterprise is one of a financial enterprise, a travel enterprise or a security enterprise. Therefore, there appears to be a contradiction between the first and second enterprises. Further, the claims recite that the first enterprise is an Internet portal enterprise. However the specification states that the "second" enterprise is an Internet portal enterprise. Therefore, given the broadest

reasonable interpretation, claim 41 merely recites three structural components as discussed above. Taken a narrower view, claim 41 determines whether a request from a user is done via a second server/portal/financial institution and filters information. The Examiner appreciates Applicant's clarification of the invention in the remarks, but the Examiner suggests amending the claim to be consistent with the specification and to garner an interpretation sought after by Applicant. Therefore, the Examiner believes, given the broadest reasonable interpretation, that the teachings of Drummond in view of Vittal are sufficient to cover the teachings of claim 41, 50 and 59 as well as the dependents.

Applicant's response:

Applicant appreciates the detailed "Response to Arguments" section provided by the Examiner. Applicant takes the Examiner's kind suggestions to amend the claims and herein amends the independent claims to recite the structural difference providing specific functionality of the claims instead of merely stating an intended use. Applicant also herein amends the claims to clarify that the first enterprise performs the services and provides the information requested by the customer, thereby adhering more closely to applicant's specification. Therefore, the Examiner may possibly apply a reasonable interpretation to applicant's claims, as amended.

Claim Rejections - 35 USC § 103

7. Claims 41-67 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Drummond et al. (hereinafter Drummond) US 2001/0014881 in view of Vittal et al. (hereinafter Vittal) U.S. Patent 6,907,401 2001/0014881.

Claims 41, 50 and 59, Drummond teaches a first Web server hosted by a first enterprise, comprising: a first mechanism for receiving a request for information or services from a customer (page 5, paragraph 0098 and page 9, paragraphs 0143-0145); a second mechanism for determining whether the request comes directly from the customer, or through a second Web server at a second enterprise (page 6-7, paragraph

0113-0116 and page 9, paragraphs 0143-0145); and a third mechanism for responding with information or provided service to the request; (page 7, paragraph 0118-0119 and page 9, paragraphs 0144-0145).

Drummond fails to teach identifying a particular server and filtering the information. Vittal teaches a portal switch for electronic commerce in which users can search for a desired item from a merchant (column 5, lines 39-59). Vittal further teaches that the user can perform the search by either interrogating the aggregator catalog and data profile or by searching directly the merchant databases (column 5, lines 39-59). The merchant server is connected to the aggregator through the portal (column 5, line 60 thru column 6, line 6). Therefore it would have been obvious to one of ordinary skill in the art to modify the transaction teachings of Drummond in which certain financial transactions are carried out by different ATMs with the direct and portal communication teaching of Vittal because it allows for specific services/items to be made available to a user based on the manner in which the user is accessing/requesting the service.

Claims 42, 51 and 60, Drummond teaches that certain ATM servers have greater capabilities for performing financial transactions and requests for services and certain services are offered depending on which ATM is accessed (page 7, paragraph 0118-0119 and page 9, paragraphs 0144-0145). Vittal also teaches filtering out information to provide to the user (column 6, lines 37-49 and column 10, lines 10-54).

Claims 43, 52 and 61, Drummond teaches wherein the Web server provides personal information (PI) collection and aggregation services on behalf of the customers, and the information provided is at least partially derived from the aggregated PI (page 9, paragraphs 0143-0145).

Claims 44, 53 and 62, Drummond teaches wherein the second enterprise is one of a financial enterprise, a travel enterprise, or a security services enterprise (page 9, paragraphs 0143-0145).

Claims 45, 54 and 63, Drummond teaches wherein the aggregated PI is collected from financial institutions having money deposited for the customer in one or more accounts, and the

Services include enabling the customer to accomplish one or more of transferring money from one account to another, and transferring money from an account to settle an obligation to a third party (page 9, paragraph 0143).

Claims 46, 55 and 64, Drummond teaches wherein the transferring money to settle an obligation comprises paying a bill for either goods or services (page 9, paragraph 0143).

Claims 47, 56 and 65, Drummond and Vittal fail to teach a travel enterprise. Official Notice is taken that purchasing travel related services is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art to modify the teachings of Drummond in view of Vittal to for financial transaction to include the travel transactions because they are financial in nature and provide a service to a customer.

Claims 48, 57 and 66, Drummond teaches wherein the specific services include one or more of (a) creating a new account, (b) authenticating the customer, (c) retrieving summary balance information, (d) retrieve detailed transactions, (e) initiating a funds transfer from one account to another, (f) get list of eligible rewards, or (g) redeem mileage points (page 9, paragraph 0143).

Claims 49, 58 and 67, Drummond fails to teach an internet portal. Vittal teaches access via an internet portal (column 5, lines 39 thru column 6, line 6).

Applicant's response:

Applicant herein amends claim 41 to recite:

41. A first Web server hosted by a first enterprise, comprising:

a first mechanism receiving a request for information or services from a customer;

a second mechanism determining whether the request comes directly from the customer, or through a second Web server at a second enterprise; and

a third mechanism responding to the customer by the first enterprise with information or provided service to the request, the information or service is identified to

the customer as coming from either the first enterprise or the second enterprise;

wherein, if the request is directly from the customer, the information response or service provided by the first enterprise is identified as from the first enterprise, and if the request comes to the first enterprise through the Web server at the second enterprise, the information response or service provided by the first enterprise is identified as from the second enterprise.

Applicant amends the above claim to make it more perfectly clear that all services are provided by the first enterprise at the first Web server. The key of applicant's invention lies in the ability to receive a request for service or information from a customer and the server identifies whether the request came directly from the customer or via a second Web server hosted by a second enterprise. If the request comes from a second Web server, when the first Web server fulfills the request, the response will appear to the customer as coming from the second Web server. Claims 50-58 are herein cancelled.

Applicant points out that the Examiner's position that "a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim" Is not directly applied to computerized systems. Applicant does amend the independent claims to remove the intended 'for' language.

Applicant argues that at this point in prosecution the Examiner has not produced any art that determines where a customer's request originates. The art of Drummond and Vittal is not concerned with where the request comes from, nor is it a suggested part of any of the teachings. Applicant's invention provides a turnkey service for customers to access directly or other businesses to provide to their customers, wherein even though the service is provided by the first enterprise, it will appear to the customer that the service is provided by said other business.

Applicant argues that Drummond fails to teach an ability to determine whether a request comes directly from the customer, or through a second Web server at a second enterprise. The Examiner gives paragraphs 0113-0116 of Drummond to read on said limitation in addition to pg. 9, 0143-0145.

Applicant assumes the service 200 of Drummond reads on applicant's claimed customer. Applicant points out that the network, as described in Drummond, is a closed ATM network, wherein all discovery request messages are from known sources. Applicant fails to see any other teaching in [0113], other than showing the ID of a customer making a request.

Applicant argues that [0114] clearly teaches that the request is accompanied by the IP address of the customer. The lookup service 208 sends any response to the IP address provided in the request or to the customer because the customer is known by the lookup service. Applicant argues that, not only does Drummond fail to actively recognize whether a request comes directly from a customer or through a second Web server at a second enterprise, but the specific teaching of the request including an address for the response actually teaches away from said limitation.

Applicant fails to recognize any teachings in [0115] which may teach or suggest an ability to determine whether a request comes directly from the customer, or through a second Web server at a second enterprise, as claimed. Nor is there any teaching of identifying the source of the response differently depending on where the request came from. If the Examiner is relying on any other subject matter from the above paragraph that reads on said claim limitation, applicant respectfully request the Examiner point it out, specifically.

Applicant argues that paragraph [0116] teaches that the service (customer) sends attributes to the lookup service. Applicant points out that apparently, in the art of Drummond, the service 200, which the Examiner relies upon to teach applicant's claimed customer, can be a printer. Surely the Examiner is not supposing that the printer of Drummond may read on a customer making a request, as claimed. Applicant fails to recognize any teachings in the above paragraph which may teach or suggest an ability to

determine whether a request comes directly from the customer, or through a second Web server at a second enterprise, as claimed. If the Examiner is relying on any other subject matter from the above paragraph that reads on said claim limitation, applicant respectfully request the Examiner point it out, specifically. Clearly, applicant has shown that the paragraphs 0113-0116, relied upon by the Examiner fail to teach or suggest an ability to determine whether a request comes directly from the customer, or through a second Web server at a second enterprise. Drummond automatically responds to whatever IP address is included in the request and does not consider the source, or apply differing identifications of a responder based on the identified source of the request.

Applicant points out that page 9, paragraphs 0143-0145 discuss the structure of personal ATM 500 which is capable of accessing outside services. Applicant does not find specific teaching to a desire/benefit of or an ability to determine whether a request comes directly from the customer, or through a second Web server at a second enterprise; and a third mechanism responding to the customer by the first enterprise with information or provided service to the request, the information or service is identified to the customer as coming from either the first enterprise or the second enterprise; wherein, if the request is directly from the customer, the information response or service provided by the first enterprise is identified as from the first enterprise, and if the request comes to the first enterprise through the Web server at the second enterprise, the information response or service provided by the first enterprise is identified as from the second enterprise. While the Examiner gave a "Response to Argument" section, the Examiner did not respond to applicant's specific arguments/requests regarding Drummond and the portions of Drummond relied upon by the Examiner.

Applicant points out that the art presented by the Examiner does not deal with the problem applicant's invention solves. As argued above, the art of Drummond and Vittal, either singly, or in combination, fail to teach a second mechanism for determining whether the request comes directly from the customer, or through a second Web server at a second enterprise, wherein, if the request is directly from the customer, the information response or service is identified as from the first enterprise, and if the request comes to

the first enterprise through the Web server at the second enterprise, the information response or service is identified as from the second enterprise.

Applicant believes claims 41 and 59, as amended, are patentable over the art presented by the Examiner. Claims 42-49 and 60-67 are patentable on their own merits, or at least as depended from a patentable claim.

Summary

As all of the claims, as amended and argued above, have been shown to be patentable over the art presented by the Examiner, applicant respectfully requests reconsideration and the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
Gregg Freishtat et al.

By /Donald R. Boys/
Donald R. Boys
Reg. No. 35,074

Central Coast Patent Agency, Inc.
3 Hangar Way, Suite D
Watsonville, CA 95076
831-768-1755